

## SCORING CRITERIA – SOLID WASTE

These are the definitions for each of the five point levels used in the scoring of TSEP applications on statutory priority #1 (Projects that solve urgent and serious public health or safety problems, or that enable local governments to meet state or federal health or safety standards), and CDBG applications on priority #2 (Need for project). The definitions and associated examples are subject to modification during the scoring process. In addition, there are numerous variables involved in scoring projects; as a result, the point level assigned may be higher or lower in order to take into account these variables.

### General Scoring Notes

The score level may be adjusted downward commensurate with the scoring level definitions, depending upon the degree to which:

1. the deficiency is existing, long-term or continual;
2. the problems related to the deficiency affect the entire or substantial portion of the community, or have a high potential to affect the entire or substantial portion of the community;
3. there are reasonable, cost-effective, reliable and long-term management practices that would reduce the health and safety risks and no other reasonable alternatives, temporary or otherwise are available; and
4. the deficiencies and the impact on the public's health and safety has been documented.

A court order (or other directive) does not guarantee a particular score. The seriousness of the deficiencies and their impact on the public's health and safety will determine the score awarded.

If there are serious concerns whether the proposed project would solve the public health or safety problems, a level "2" score may be awarded, since the deficiencies identified may not be adequately resolved or other serious problems may potentially be created.

If the most serious deficiencies represent only a small component of the overall project, the project as a whole may be scored lower than what would normally be indicated for the more serious deficiencies. At the Department's discretion, multiple deficiencies may be weighted, based on cost, to determine the scoring level. For instance, if a very small percentage of the project cost goes toward solving a level 5 deficiency and a significantly larger percentage of the project cost is for solving a level 3 deficiency, then the project would probably be scored at a level 3 or 4.

### **LEVEL 5** (Serious consequences have occurred or are imminent)

**Definition** - Serious consequences (such as illness, disease or injury) clearly attributable to the deficiency in the solid waste facilities described in the application have occurred or are imminent. The applicant has clearly documented the deficiency and impact on the public's health and safety.

**Explanation** - Level 5 scores would only be given if the applicant has clearly documented that an illness, disease or injury has occurred, or is imminent, as a result of the deficiency in the solid waste facilities. To be rated a "5" the situation must be of an immediate nature.

**Examples:**

- ❑ A transfer station or container site that needs safety improvements because of documented injuries or deaths to the public that utilize the facility or facilities designed very similar to it.
- ❑ Contamination of drinking water supply by a solid waste system has occurred, and where the contaminant has the potential to cause immediate illness or disease.
- ❑ A solid waste facility with a substandard access road design that has resulted in deaths or serious injuries to the public.
- ❑ Landfill gas migration is occurring resulting in gas accumulation in surrounding structures and there is potential for explosive concentrations of gas to occur.
- ❑ Severe groundwater contamination by a solid waste system has occurred and the groundwater has been documented as a high-value resource such as a sole source aquifer. The contamination may not have affected drinking water sources, but has a high potential to do so in the near future. The facility is under a court order or state directive to solve the deficiency.

**LEVEL 4** (Serious consequences are likely to occur in near term)

**Definition** - Serious consequences (such as illness, disease or injury) clearly attributable to the deficiency in the solid waste facilities described in the application are likely to occur in the near term. The applicant has adequately documented the deficiency and potential impact on the public's health and safety.

**Explanation** - Level 4 scores would be given for serious deficiencies where illness, disease or injury has a high probability of occurrence in the near term, but has not been documented to have occurred yet. Level 4 scores would also be reserved for serious solid waste deficiencies when there is a high probability of significantly serious consequences after chronic exposure (exposure over many years).

**Examples:**

- ❑ A community that has inadequate solid waste handling facilities resulting in public contact with wastes and the potential for impact to public health and safety.
- ❑ A solid waste facility has contaminated the local groundwater and a community's drinking water supply has a high probability of being contaminated due to inadequate solid waste facilities (such as leaking landfill), but contamination of drinking water has not yet occurred. The contaminant must have a high probability to cause immediate illness or disease in the near term. Remediation efforts including closure, groundwater treatment, drainage improvements, etc. may be included.
- ❑ A solid waste facility that has a high probability for injury in the near term without safety upgrades, but has not had injuries to date.

- ❑ A solid waste system under court order or a State or Federal directive to make improvements, where the deficiencies may not be directly related to severe human health threats. Deficiencies may be related to negative impacts to the environment such as ground water contamination, gas migration, etc.
- ❑ A solid waste facility with a substandard access road, within the facility boundary, where accidents have occurred and there is a high potential for serious injuries to the general public.

### **LEVEL 3** (Serious consequences are likely to occur in long term)

**Definition** - Serious consequences (such as illness, disease or injury) attributable to the deficiency in the solid waste facilities described in the application are likely to occur in the long-term if the deficiency is not corrected. The applicant has adequately documented the deficiency and potential impact on the public's health and safety.

**Explanation** - Level 3 scores would be given for serious solid waste deficiencies where illness, disease or injury has a high probability of occurrence after chronic exposure, but where the consequences are not as serious as those associated with a Level 4. Level 3 scores would also be reserved for deficiencies where illness, disease or injury has some reasonable probability of occurrence in the near term as a result of incidental, short-term or casual contact, but has not been documented to have occurred yet. Communities attempting to proactively comply with laws and regulations dealing with health and safety may also be scored Level 3, or higher.

#### **Examples:**

- ❑ A community that is making proactive improvements to the infrastructure of a public solid waste system that helps it remain in compliance with current regulatory requirements, ensures compliance with future requirements, or prevents future violations of any applicable state or federal law or regulation. A higher score for proactive improvements could be realized if the improvements address imminent or near term health and safety issues.
- ❑ A transfer station or container site that needs to make improvements to improve the safety of a site, so that the likelihood of injury is reduced.
- ❑ A community that is making improvements to its facility to reduce the possibility of contamination of valuable environmental resources. For example, closure of unlined landfill areas, improved surface water controls, gas extraction systems, lining systems, etc.

### **LEVEL 2** (Serious consequences may occur at some point in the future)

**Definition** - The deficiency described in the application could potentially affect the public's health and safety and circumstances clearly attributable to the deficiency may occur at some point in the future but have not been documented to have occurred yet.

**Explanation** - Level 2 scores would be given for those applications that have a deficiency, perhaps in meeting current design standards, but are unable to show that a serious threat to public health and safety is likely to occur.

**Example:**

- ❑ A solid waste facility with a severe wind blown litter problem, that results in frequent public contact with wastes and pollution of the environment. Facility improvements are needed to reduce the litter problems and all viable management techniques have been tried.
- ❑ A solid waste handling facility (transfer station or container site) that uses equipment or technology that is not the standard of the industry.

**LEVEL 1**

**Definition** - A deficiency in a basic solid waste facility or community service that could affect the public's health and safety was not demonstrated or was inadequately documented.

**Explanation** - Level 1 scores would be given for those applications that may claim a deficiency, but in the opinion of the MDOC review team are unable to document a serious or credible threat to public health and safety. The claimed deficiency may be related to routine operations and maintenance issues. Level 1 scores are rare; nearly all projects should be able to achieve a level 2 score.

**Examples:**

- ❑ A solid waste facility wants to install a greenbelt with trees and drip irrigation to reduce visual impacts of the site.
- ❑ A solid waste facility has an odor problem that affects local residents. The facility proposes to install a gas extraction system to reduce odors.